

STATE BUILDING CODE TECHNICAL REVIEW BOARD
DRAFT MEETING MINUTES
January 19, 2018
Glen Allen, Virginia

Members Present

Mr. W. Keith Brower
Mr. Vince Butler
Mr. Alan D. Givens
Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. E. G. Middleton, III
Ms. Joanne Monday
Ms. Patricia S. O'Bannon
Mr. W. Shaun Pharr, Esq.
Mr. Aaron Zdinak, PE

Members Absent

Mr. James R. Dawson, Vice Chairman
Mr. Daniel Crigler

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Acting Secretary, Vernon Hodge, at approximately 10:00 a.m.

Roll Call

The attendance was established by the Acting Secretary, Mr. Vernon W. Hodge, with a quorum being present. Mr. Justin I. Bell, the board's legal counsel from the Attorney General's Office, was also present.

Election of Chairman pro tem

The Acting Secretary, Vernon Hodge, informed the Board that the Vice Chairman, James R. Dawson, would not be attending the meeting; therefore a Chairman pro tem needed to be elected to preside over the meeting.

Mr. Mays nominated Mr. Pharr to be the Chairman pro tem for the January 19, 2018 meeting. The motion was seconded by Mr. Kessler and passed unanimously.

Election of Acting Secretary

The Acting Secretary, Vernon Hodge, informed the Board that according to his appointment at the June 15, 2017 meeting his term as Acting Secretary had expired. He suggested reappointing him the Acting Secretary through the May 18, 2018 meeting. He further explained that by doing so all three Board positions would expire at the same time allowing the Board to elect the Chairman, Vice Chairman, and Secretary at the next scheduled meeting following the May 18, 2018 meeting.

Ms. O'Bannon moved that Vernon Hodge continue as the Acting Secretary through the May 18, 2018 meeting. The motion was seconded by Mr. Witt and passed unanimously.

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Approval of Minutes After consideration, Ms. O'Bannon moved to approve the November 17, 2017 draft minutes as presented in the Review Board members' agenda package with an editorial correction to add the words "as did Mr. Pharr" at the end of the paragraph above the Secretary's Report on page three of the minutes. The motion was seconded by Mr. Givens and passed unanimously with Messrs. Butler, Middleton, and Witt abstaining from the vote.

Final Order Appeal of Deborah and Benny Bono; Appeal No. 17-6:

After consideration, Mr. Mays moved to approve the final order as presented in the Review Board members' agenda package with editorial corrections to add:

"The farm building on the adjacent property in question is more than fifty feet (50') from the Bono's property line. Additionally, the Bonos have no existing structures in proximity to the property line. Therefore, while"

following the first sentence of the last paragraph of the "Findings of the Review Board" section of the order. The motion was seconded by Ms. O'Bannon and passed unanimously with Messrs. Butler, Middleton, and Witt abstaining from the vote.

Public Comment The Chairman opened the meeting for public comment. Mr. Hodge advised that no one had signed up to speak. With no one coming forward, the Chairman closed the public comment period.

New Business
(Preliminary Hearing) Appeal of Joshua and Makiba Gaines; Appeal No. 17-11:

A preliminary hearing convened with the Chairman pro tem serving as the presiding officer. The appeal involved a citation of violations under Part III of the Virginia Uniform Statewide Building Code by the City of Norfolk's Department of Neighborhood Development for the Gaines property located at 2410 West Avenue.

The following persons were sworn in and given an opportunity to present testimony:

Joshua and Makiba Gaines, Owners
Sherry Johnson, City of Norfolk

Also present was:

Cynthia Hall, Esq.; counsel for the City of Norfolk

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New Business
(Continued)

Mr. Middleton serves on the local board of building code appeals for the City of Norfolk; therefore he recused himself from the hearing and exited the room.

There was consideration of a late submittal by the Gaines. After discussion, Mr. Pharr accepted the submittal.

After testimony concluded, the Chairman pro tem closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Joshua and Makiba Gaines; Appeal No. 17-11:

After deliberation of the appeal, Mr. Mays moved to overturn the local appeals board decision indicating the appeal was timely and further that the City of Norfolk did not provide the option to appeal on the Notice of Violation dated February 15, 2017. The motion was seconded by Ms. Monday and passed unanimously with Mr. Middleton recusing himself.

After further deliberation of the appeal, Mr. Mays moved that since the appeal was timely thus making it a valid appeal it should be remanded back to the local board of appeals in the City of Norfolk. The motion was seconded by Mr. Givens and passed unanimously with Mr. Middleton recusing himself.

Appeal of Harvey and Ann Dupree (A...H Variety); Appeal No. 17-10:

A hearing convened with the Chairman pro tem serving as the presiding officer. The appeal involved a citation of violations under the Virginia Statewide Fire Prevention Code by the State Fire Marshal's Office at 456-545 Piney Pond Road Brodnax, Virginia.

The following person was sworn in and given an opportunity to present testimony:

Dee Madsen, Chief Deputy State Fire Marshal
Ron Reynolds, Asst. State Fire Marshal for Field Operations
Brian McGraw, State Fire Marshal

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New Business
(Continued)

Review Board staff provide the Board with a new notice submitted by the State Fire Marshal's Office the day before the meeting.

After testimony concluded, the Chairman pro tem closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Harvey and Ann Dupree (A...H Variety); Appeal No. 17-10:

After deliberation of the appeal, Mr. Kessler moved to uphold the notice of violation issued by the State Fire Marshal's Office citing that adequate notice was provided. The motion was seconded by Mr. Butler and passed unanimously.

After further deliberation of the appeal, Mr. Mays moved to limit the appeal to only the item specifically appealed by Mr. Dupree in his appeal application related to the back door also identified as the loading dock door. The motion was seconded by Mr. Middleton and passed with Mr. Kessler voting in opposition.

After the final deliberations of the appeal, Mr. Butler moved to uphold the violation as cited. The motion was seconded by Mr. Witt and passed unanimously.

Attorney General Opinion Request

After a brief discussion about Attorney General opinions, Mr. Kessler moved to instruct Review Board staff to investigate whether or not the Review Board is permitted to request an opinion from the Attorney General or request the Attorney General to re-visit and existing opinion. The motion was seconded by Mr. Brower and passed unanimously.

Mr. Bell was going to look into the matter and report back to the Board at the next scheduled meeting.

Secretary's Report

Mr. Jeff Brown, Director of the State Building Codes Office, provided the Review Board with an update on the effective date of the 2015 Code. He also acknowledged the hiring of three new employees, Holly

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Squares, Terry Steen, and Casey Littlefield. He introduced the latter two who were in attendance.

Adjournment

Mr. Hodge informed that the next meeting would be either March or April.

There being no further business, Mr. Middleton moved to adjourn the meeting at approximately 1:45 p.m.

Approved: March 16, 2018

Chairman pro tem, State Building Code Technical Review Board

Acting Secretary, State Building Code Technical Review Board